

UNITED STATES DISTRICT COURT

for the

Middle District of PACivil DivisionChristian Smith

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Stanley Stanish
Vincent Mooney
John Wetzel
Donald J. O'Brien

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

1118-CV-1554

(to be filled in by the Clerk's Office)

Jury Trial: (check one)

 Yes No
FILED
SCRANTON

AUG 06 2018

PER

Amo DEPUTY CLERK

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Christian Smith

Street Address

660 State Route 11

City and County

HUNLOCK CREEK

State and Zip Code

Pennsylvania 18621

Telephone Number

~111

E-mail Address

~114

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

stanley stanish
 DOCTOR
 660 STATE ROUTE 11
 HUNLOCK CREEK
 PENNSYLVANIA 18621
 n/a
 n/a

Defendant No. 2

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

VINCENT MOONEY
 SUPERINTENDANT/WARDEN
 660 STATE ROUTE 11
 HUNLOCK CREEK
 PENNSYLVANIA 18621
 n/a
 n/a

Defendant No. 3

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

John Wetzel
 Secretary/Commissioner for D.O.C.
 1920 Technology Parkway
 Mechanicsburg
 Pennsylvania 18621
 n/a
 n/a

Defendant No. 4

Name
 Job or Title (if known)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (if known)

Donald J. O'Brien
 n/a
 660 STATE ROUTE 11
 HUNLOCK CREEK
 PENNSYLVANIA 18621
 n/a
 n/a

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

1st; 4th; 6th; 8th; and 14th Amendments

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) ✓/a, is a citizen of the State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) ✓/a, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) ✓/a, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) W/SA is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.
(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):
W/SA

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1. *On 10/6/17 at approx midday 2:25pm the plaintiff Smith was working out in the Recreational yard as Smith started to use a stepping bench, the stepping bench collapsed, sending Smith off balance and falling backwards to the ground. The plaintiff's left leg got caught underneath the metal bench and shredded his skin causing a 10 centimeter laceration to the bone right under. Can't*

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. *Plaintiff Smith asks this court for relief to be treated properly for his nerve damage. It is getting much worse as time goes on due to all the delays from the defendants who are negligent for not treating him properly. Smith seek \$5,000.000.00 dollars in damages due to him having nerve damage at the age of 14 years old. This permanent injury needs to be tended to at this present time.*

Plaintiff also seek punitive damages in excess of \$5,000.00 dollars. Smith is receiving no medical care at this time.

Statement of claim

III continued:

It is left knee. The plaintiff Smith also noticed and remembers that while he fell backwards, he seen that there was two bolts missing from the right side of the stepping bench.

When Smith seen doctor Stanish, defendant, doctor Stanish stated that, "Smith has severe nerve damage in his left leg, due to Smith's accident from and on the department of corrections property. The medical department at SCI-Retreat was not equipped to handle Smith's situation. Smith received 22 stitches as a result of the accident along with Smith's nerve damage.

AFTER Smith's

Return from an outside hospital, Wilkes Barre General hospital, Smith several days later went down on a sick call. Doctor Stanish told Smith that the stitches were not ready to come out. After several attempts to get his stitches out, Smith took half of them out himself. On the next visit to the medical department, Doctor Stanish removed the last of Smith's stitches. It was brought to Smith's attention that since he has permanent nerve damage Doctor Stanish told Smith that in January sometime Smith would start physical therapy. January came and went and still Smith received no physical therapy for his injury. Now going forward to May 18, 2013 Smith went on another sick call. Doctor Stanish knew he never scheduled Smith for physical therapy, so Doctor Stanish issued Smith a cane to walk with.

cont. next page

2.

2. smith used his cane to help himself walk. on june 3, 2018
smith returned the cane to nurse obrien. smith explained
to nurse obrien that the cane was interfering with his
ability to do physical therapy on his own because doctor
stansh of 11 years placed smith on physical therapy.
smith still has a lot of pain and tries to rehabilitate
himself when he goes out to recreational yard at the
prison.

3. now on smiths last visit to the medical department
nurse obrien got extremely bzaligant with smith because
smith would not sign a \$5.00 pay slip for visiting at medicals
because smith has & was receiving CRONIC CARE. nurse obrien
threw smith out of his office. To date smith is in extreme
pain and suffering due to his nerve damage.

4. smith contacted vincent mooney defendant on 1/26/18
stating that he smith was not receiving proper medical care.
smith used the grievance system properly but even defendant
mooney's answer was that smith's situation was fairious.

5. on 5/18/18 smiths last attempt through the proper Grievance
system went to mechanicsburg PA to john witzel defendant.
Kernimone the Grievance co-ordinator for the department
of corrections answered smiths last grievance and denied
smiths grievance by stating she didn't have the original
documents from smith by stating she can't access all the
Grievances but she/kernimone can get print them out.
this is not plaintiff's smith's problem because the
Department of corrections should have proper computers
and printers to allow staff to do their job. John witzel
never even got back to smith with his own answer and
defaulted

3.

6. Plaintiff is entitled to money damages and Smith is looking for relief to have proper medical care and relief of damages incurred for pain and suffering through and for the neglect and hostility shown to the Plaintiff for not needing to rehabilitate through physical therapy. If Smith does not receive relief for his physical injury, he will not be able to walk properly without pain for the rest of his life. Smith pain is getting worse. Smith is also asking for relief from a medical expert to verify medical evidence. Smith is in need of serious medical attention due to the long delays in treatment aggravated his condition.

7. John Wetzel never replies to Grievances and is always in default plus John Wetzel never answered letters sent requesting answers.

8. Vincent Mooney never answers Grievances or appeals he has his secretary answer for him. Mooney is not even approachable often seen on the compound.

9. Smith is looking for 5,000.⁰⁰ in punitive and for pain and suffering for the rest of his life living with severe nerve damage to total of 5,000,000.⁰⁰

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

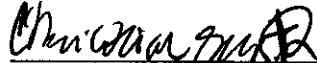
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

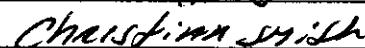
Date of signing:

7/31/18

Signature of Plaintiff



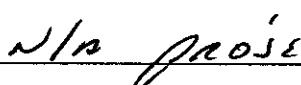
Printed Name of Plaintiff



B. For Attorneys

Date of signing:

Signature of Attorney



Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

CERTIFICATION

I hereby certify that the petitioner herein has the sum of \$.53 on account to his credit at the SCI-Retreat Institution where he is confined. I further certify that petitioner likewise has the following securities to his credit according to the records of said SCI-Retreat Institution: NONE

Tanya Harry
Tanya Harry - Accounting Assistant
AUTHORIZED PRISON OFFICIAL

4/3/18

IN degency
Pub SS

7/31/18



Christian R. Smith
2nd Avenue 20, My 0617
660 State House
Huron Creek PA 18621
SCT-PA Street.

RECEIVED
SCREENING

Aug 08 2018
PER
DEPT. OF CORRECTIONS

On one of the click
U.S. District Court of Pa
William J. Nealon Bldg &
U.S. Court house
235 York Washington Ave
P.O. Box 1148
Scranton, PA 18501-1148

INMATE MAIL-PA
DEPT. OF CORRECTIONS